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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,938	10/31/2003	Yossi Avni	697.003CON	9636
<div><div>759012/11/2007</div><div>Fulbright &amp; Jaworski L.L.P. 801 Pennsylvania Avenue, N.W. Washington, DC 20004-2623</div></div>				
			<div>EXAMINER</div> <div>BAYAT, ALI</div>	
			<div>ART UNIT</div> <div>2624</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>12/11/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/697,938	<b>Applicant(s)</b> AVNI ET AL.	
	<b>Examiner</b> Ali Bayat	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/29/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-19 and 33 are rejected on the ground of nonstatutory double patenting over claims 1-19 and 33 of U. S. Patent No. 6,687,390 respectively, since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: system and method of web signature recognition system based on object map.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 15-19 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox ( US 5,199,068) in view of Greenstein et al.( Pub. No: US 2007/0011273).

In regard to claim 1, Cox provide for data for the display of displaying a background image ( Fig.1 element 21 col.3 lines 25-30), providing data for positioning at least one object on said background image ( Fig.1 elements 22 and 12, col.4 lines 12-20, also note mouse),receiving a sampled pointing device (PD) signature ( Fig.2

element 94, col.4 lines 58-61) including a set of position vectors, said PD signature generated by sampling a plurality of events corresponding to positions of a said cursor while operating said pointing device to provide data relative to said background image comparing ( Fig.2 element 114, col.5 lines 55-60) said sampled PD signature ( Fig.2 element 98 col.5 lines 35-40) to a stored PD signature representing the identity of the user ( Fig.2 element 78 col.4 lines 35-40), and validating said identity of said user in response to said comparing step ( Fig.2 element 118 col.6 lines 5-10). Cox does not provide for a set of position vectors, said PD signature generated by sampling a plurality of events corresponding to positions of a said cursor while operating said pointing device to provide data relative to said background image (Para. 48, note vectors, manipulation of an input device such as cursor keys on a keyboard, also vector made up of position, direction, and speed to server). It would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Greenstein with the system and method of Cox for sharing information in a virtual environment.

With regard to claims 2-3 and 18-19 Cox provides for moving said PD manipulates said cursor on said background image (col.4 line 20, note mouse).

As to claim 4, Cox provides for PD signature includes data generated by clicking of said pointing device ( col.4 lines 19-20, note signature could be written by the student using a standard mouse corresponds to clicking the mouse).

In regard to claim 5, Cox provides for sampling of a plurality of events includes a drag and drop event by said pointing device.

With regard to claim 6, Cox provide for sampling of a plurality of events includes sampling a time component (col.1 lines 53-55).

As to claim 7, Cox provides for comparing includes applying a set of agents nodes to analyze said sample signature and determining if said sample signature satisfies a threshold matching criteria (col.5 line 58-col.6 line 5)

In regard to claim 8, Cox provide for receiving a plurality of signature exemplars; and creating a set of nodes associated with said exemplars (Fig.2 element 110, col.4 lines 40-45).

With regard to claim 9, Cox provides for the background image includes displaying a graphic (Fig.1 element 21 col.3 lines 25-30).

As to claim 10, see the rejection of claim 4. It recites similar limitation as claim 10. Hence it is similarly analyzed and rejected.

In regard to claim 15, see the rejection of claim 1. It recites similar limitations as claim 15. Hence it is similarly analyzed and rejected.

With regard to claim 16, Cox provide for receiving a verification request from a provider; and issuing in response to said step of validating, an authorization message to said provider ( Fig.2 element 118, col.6 lines 5-10).

17. (Currently amended)

as to claim 17, see the rejection of claim 1. It recites similar limitations as claim 17. Except for software system stored on a computer readable medium (col.1 lines 60-65). Hence it is similarly analyzed and rejected.

With regard to claim 33, see the rejection of claim 1. except for a verification server (Fig.1 element 50) for use in a signature recognition system including a user computer (Fig.1 element 10) system having a pointing device and a display screen (Fig.1 elements 22 and 12) and an interface in communication with said user computer system for receiving said collection of vectors (Fig.1 element 60, col.3 line 65-co.4 line 2). Hence it is similarly analyzed and rejected.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cox ( US 5,199,068) in view of Greenstein et al.( Pub. No: US 2007/0011273) and further in view of Hardin,Sr. et al.( US 4,817,034).

in regard to claim 12, Cox as modified by Greenstein does not provide for sampling a plurality of events includes sampling horizontal and vertical positions of said cursor and a time parameter associated with respective ones of said events. Hardin teach sampling horizontal and vertical positions of said cursor and a time parameter associated with respective ones of said events (col.3 line 65-col.4 line 7). It would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Hardin, with the system and method of Cox as modified by Greenstein for producing coordinates of a plurality of representative points which when connected by a line replicate a handwritten word, see col.2 lines 30-35 of hardin.

3. As to claims 11 and 13-14 Examiner takes official notice, operating pointing device includes positioning a drag-able icon and sampling a drag and drop or a click mode is well known in the art (e.i., Window 2000 or Window XP of Microsoft operating

system). it would have been obvious to a person of ordinary skill in the art at time the invention was made to incorporate the teaching of Microsoft operating system with the system and method of Cox as modified by Greenstein for accessing an application or program in a very short time, by clicking the related icon after dragging and draping the icon on the desktop ( background image).

### **Contact Information**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 571-272-7444. The examiner can normally be reached on M-F 9:00 AM-5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

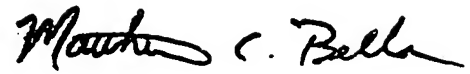
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Art Unit: 2624

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12/4/07



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